

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MUSTAFA ABDULLAH, et al.,	)	
	)	
Plaintiffs,	)	
	)	Cause No. 4:14cv-1436 CDP
v.	)	
	)	
ST. LOUIS COUNTY, MISSOURI, et al.,	)	
	)	
Defendants.	)	

ANSWER OF DEFENDANT ST. LOUIS COUNTY, MISSOURI

COMES NOW St. Louis County, Missouri (“County”) and for its responsive pleading to the Verified Complaint (“Complaint”) answers as follows:

*Introductory paragraphs*

1. Paragraph 1 of the Complaint appears to be introductory only and not directed against County and, consequently, not requiring an answer from County. To the extent the allegations in Paragraph 1 are directed to County, County DENIES those allegations.
2. County DENIES the allegations of Paragraph 2 of the Complaint.
3. Paragraph 3 of the Complaint appears to be introductory, a request for relief, and not directed against County. . To the extent the allegations in Paragraph 3 are directed to County, County DENIES those allegations.

*Jurisdiction and venue*

4. County ADMITS the allegations of Paragraphs 4 through 7 of the Complaint, pertaining to jurisdiction and venue.

*Parties*

5. County lacks sufficient knowledge to form a belief as to the truth of the allegations in Paragraph 8 of the Complaint, and so DENIES them.
6. County ADMITS it is a political subdivision of the State of Missouri, but specifically DENIES the remaining allegations of Paragraph 9 of the Complaint.

*(Please note that the Complaint, perhaps through a word processing error, begins by enumerating Paragraphs 1 through 9, and then enumerates a second Paragraph 9 and continues with consecutively numbered paragraphs through Paragraph 32. Hereinafter, this Answer refers to the paragraphs as they are enumerated in the Complaint.)*

7. County makes no responsive pleading to the allegations of Paragraph 9 of the Complaint, as not directed against County.
8. County lacks sufficient knowledge to form a belief as to the truth of the allegations in Paragraphs 10 through 12 of the Complaint, and so DENIES them.

*Facts*

9. County lacks sufficient knowledge to form a belief as to the truth of the allegations in Paragraphs 13 through 25 of the Complaint, and so DENIES them.

*Count I – 1<sup>st</sup> and 14<sup>th</sup> Amendments*

10. With respect to Paragraph 26, County re-states its earlier responsive pleadings.

11. County DENIES the allegations of Paragraphs 27 through 29 of the Complaint.

*Count II – Due Process Clause of the 14<sup>th</sup> Amendment*

12. With respect to Paragraph 30, County re-states its earlier responsive pleadings.

13. County lacks sufficient knowledge to form a belief as to the truth of the allegations in Paragraph 31 of the Complaint, and so DENIES them.

14. County DENIES the allegations of Paragraph 32 of the Complaint.

Affirmative Defense

15. As its AFFIRMATIVE DEFENSE, County states that, without admitting that any County employee performed any acts alleged in the Complaint, if any County employee did perform any acts alleged in the Complaint, those acts were performed at the direction and under the control of the Missouri State Highway Patrol acting pursuant to executive orders issued by the Governor of the State of Missouri (specifically, Executive Orders 14-08 and 14-09), such executive orders issued pursuant to Sections 44.010 through 44.130 R.S.Mo. Any policies which may have aggrieved Plaintiff were not the policies of County nor were they made by a final policy maker of County. No allegation of the Complaint alleges that any such policies were made by final policy makers of County, and consequently the Complaint fails to state a claim against County upon which relief can be granted.

WHEREFORE, County asks that the Complaint be dismissed as to County; that no injunctive or declaratory relief, nor any other relief sought by

Plaintiff, be ordered against it; and further asks for such other relief as the Court deems appropriate in the circumstances.

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A copy of Defendant St. Louis County's Answer was filed electronically with the PACER system operated by the United State District Court for the Eastern District of Missouri, on September 4, 2014.

s/s  
Michael A. Shuman